



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,817	03/05/2002	Atsushi Mizutome	03500.016249	2989

5514 7590 08/24/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PENG, FRED H

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

08/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/087,817	Applicant(s) MIZUTOME ET AL.	
	Examiner Fred Peng	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,37,39,41,42,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36,37,39,41,42,44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/26/2007 has been entered.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments with respect to claims 36-37, 39, 41-42 and 44-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36, 41 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Hirota (US 2003/0185546 A1).

Regarding Claims 36, 41 and 45, Finseth discloses a receiving apparatus (FIG.3, -34) with corresponding method and computer-readable medium (FIG.3, -78) for receiving television broadcasting signals, comprising:

an operation unit (FIG.3, -74) for instructing an operation of the receiving apparatus;

Art Unit: 2623

a profile processing unit (FIG.3, -74) for generating an internal user profile on the basis of an operation history of said operation unit (Para 70);

an external interface unit (FIG.3, -82) for inputting, from outside of said receiving apparatus, an external user profile which is generated on the basis of an operation history of another receiving apparatus (Para 82 lines 1-8);

a storing unit for storing the internal user profile generated by said profile processing unit and the external user profile input by said external interface unit (Para 103 lines 1-10);

a selection unit (FIG.3, -86) for selecting one of the internal user profile and the external user profile (Para 105 lines 4-9);

a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among a plurality of transmitted programs multiplexed in the television broadcasting signals (Para 105 lines 9-12; Para 77 lines 1-5; Para 84 lines 1-5).

Finseth further discloses a control unit does not automatically delete the internal user profile even if the predetermined time period has elapsed from the time when the internal user profile was stored in said storing unit (Para 9 lines 1-4; maintaining each viewing preference profile suggesting no deletion in predetermined time).

Finseth is silent about automatically deleting the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile was stored in said storing unit.

In an analogous art, Hirota teaches deletion of unnecessary file periodically without spending user's effort and time (Para 81).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions to achieve predictable results of file house-keeping to free up the memory space.

Art Unit: 2623

5. Claims 37 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Dedrick (US 5,724,521).

Regarding Claims 37, and 42, Finseth discloses a receiving apparatus (FIG 3, -34) with corresponding method for receiving television broadcasting signals, comprising:

a storage unit (FIG.3, -68) for storing a plurality of programs transmitted with being multiplexed in the television broadcasting signals;

an operation unit (FIG.3, -74) for instructing an operation of the receiving apparatus;

a profile processing unit (FIG.3, -74) for generating an internal user profile on the basis of an operation history of said operation unit (Para 70);

an external interface unit (FIG.3, -82) for inputting, from outside of said receiving apparatus, an external user profile which is generated on the basis of an operation history of another receiving apparatus (Para 82 lines 1-8);

a storing unit for storing the internal user profile generated by said profile processing unit and the external user profile input by said external interface unit (Para 103 lines 1-10);

a selection unit (FIG.3, -86) for selecting one of the internal user profile and the external user profile (Para 105 lines 4-9);

a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among a plurality of transmitted programs multiplexed in the television broadcasting signals (Para 105 lines 9-12; Para 77 lines 1-5; Para 84 lines 1-5); and

Finseth further discloses said control unit does not automatically delete the internal user profile stored in said storing unit even if said selection unit selects the internal user profile and said searching unit searches the program corresponding to the selected internal user profile (Para 9 lines 1-4; maintaining user profile suggesting not automatic deletion of internal user profile even if said selection unit selects the internal user profile and said searching unit searches the program corresponding to the selected internal user profile).

Art Unit: 2623

Finseth is silent about a control unit for automatically deleting the external user profile stored in said storing unit, after said selection unit selects the external user profile and said searching unit searches the program corresponding to the selected external user profile.

In an analogous art, Dedrick discloses a control unit for automatically deleting the external user profile stored in said storing unit, after said selection unit selects the external user profile and said searching unit searches the program corresponding to the selected external user profile (Col 7 lines 50-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include a control unit for automatically deleting the external user profile stored in said storing unit, after said selection unit selects the external user profile and said searching unit searches the program corresponding to the selected external user profile, as taught by Dedrick and thereby remove the risk of exposure of private information to other individuals (Col 7 lines 44-46).

6. Claims 39 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) and Hirota (US 2003/0185546 A1) in view of Hendricks et al (US 7,013,478 B1).

Regarding Claims 39 and 44, Finseth discloses a storage unit (FIG.3, element 68) for storing a plurality of programs transmitted while multiplexed in the television broadcasting signals,

Finseth and Hirota both are silent about said searching unit searches the program corresponding to the user profile selected by said selection unit from among the plurality of programs stored in said storage unit.

In an analogous art, Hendricks discloses said searching unit searches the program corresponding to the user profile selected by said selection unit from among the plurality of programs stored in said storage unit (Col 2 lines 42- 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Finseth and Hirota to include said searching unit

Art Unit: 2623

searches the program corresponding to the user profile selected by said selection unit from among the plurality of programs stored in said storage unit, as taught by Hendricks with the added benefits to add the additional capabilities to search the preference programs from another common program source, such as the recorded programs.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600